

REMARKS

The present response is to the Office Action mailed in the above-referenced case on Jan. 5, 2004. Claims 20-24, 26-36, 39 and 40 are presented below for examination. The Examiner, in the instant Office Action, has withdrawn the allowability of claims 25 (now canceled), 31 and 38-39 (37-38 now canceled), as indicated in the previous Office Action dated August 28, 2003, in view of the newly discovered reference of Janky et al. (U.S. 6,549,942), hereinafter Janky. Claims 20-24, 26-28, 32-34, 36 and 39 are rejected under 35 C. 103(a) as being unpatentable over Janky. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky, in view of the reference of Juskiewicz. The Examiner has indicated that claims 35 and 40 recite allowable subject matter, but are objected to as depending from a rejected base claim.

Applicant has carefully studied the references cited and applied by the Examiner, and the Examiner's rejections and statements of the instant Office Action. In response, applicant provides argument that the references relied upon by the Examiner, either singly or in combination, fail to teach or suggest all of the limitations of applicant's base claims. Applicant points out and argues the key and patentable aspects of applicant's invention which are adequately enabled in the description of the specification, and clearly and specifically recited in applicant's base claims.

Regarding claims 20 and 32, the Examiner has stated that Janky discloses applicant's claimed system and method for requesting and receiving audio-effects applications, comprising substantially all of the limitations of applicant's claims,

including a memory dock connected to the host computer and a portable storage and playback device, which may download audio files from the PC, via the memory dock, and the portable storage and playback unit comprises a memory slot for storing the audio files downloaded to the computer, thus the memory card is removable from the host and placed in the electronic device. The Examiner adds that Janky fails to specifically disclose downloading audio-effects, and maintains that such audio transmission was well-known and did therefore would have been obvious to incorporate sound effects applications in the audio data files, where the transmitting and/or editing audio by equalization, mixing, etc. are commonly known techniques in the art.

Applicant respectfully disagrees with the Examiner's interpretation of the reference as cited and applied, as reading on all of the specific limitations of applicant's base claims. Applicant does not dispute that Janky discloses a means for downloading data from the PC to a portable storage and playback unit, utilizing a docking station for the portable unit, functioning as an interface between the portable unit and the PC. Applicant does argue, however, that there is a clear and obvious distinction between transferring executable audio-effects applications from source, through PC interface, to audio appliance adapted to execute said audio-effects applications, as disclosed in applicant's invention and specifically recited in the claims, and simply transmitting and/or editing audio files by equalization, mixing etc., as in the teachings of Janky. The applicant senses the Examiner may have centered on the language "audio-effects", but the key limitation is "application". Janky teaches downloading audio files from Internet sources to the PC, to which a docking station for a portable storage/playback unit is connected, and transferring said audio files from the PC storage device to the portable unit for storage and playback at the time of the user's choosing. However, the reference to Janky fails to teach a fundamental,

and key aspect, which is taught and claimed in applicant's invention, and is considered by applicant to be a clearly patentable distinction over the prior art presented.

Specifically, applicant's independent claim 20 recites a memory dock connected to the host computer, for receiving a memory card, a memory slot provided on the electronic processing device for receiving the memory card, such that the user docking the memory card into the memory dock, may download audio-effects applications to the card, and by removing the memory card from the memory dock and inserting the card into the memory slot of the electronic processing device, may upload the audio-effects applications to be utilized by the audio-effects processing device.

Applicant first must argue that Janky fails as a primary reference because Janky teaches only downloading audio files to the PC and transferring the files for future storage and playback, to the portable unit, via a docking station connected to the PC. Janky may also convert text files to audio utilizing text-to-speech conversion techniques, and download them to the PC in audio format. But what Janky clearly fails to teach, which is required for practicing applicant's claimed invention, is uploading executable audio-effects applications (not just data files) to the memory card for which the memory slot connected to the PC is adapted, and having the capability of transferring said executable applications, via the memory card, to an electronic processing device, also having a memory slot compatible with the memory card, which may then facilitate execution of the software applications on the audio-effects appliance, as downloaded from the Internet sources to the storage device of the PC, and transferred to the audio-effects appliance via the standard memory card docking station couples to the computer.

Applicant believes that the reference of Janky clearly teaches an alternative invention for solving an alternative problem. The portable unit of Janky connects to the PC via the docking station, and the requested audio files are transferred from the storage device of the PC to the portable storage/playback unit. The playback unit has the function of storing and playing back the files in audio form to the user, but the playback unit certainly is not capable of executing any programs such as the audio-effects applications of applicant's invention, or any other executable application for that matter, other than that simply required for storage and playback of the audio files downloaded to the portable device.

The functionality and capability of the invention of Janky, however, stops there. Applicant's invention, on the other hand, provides a standard platform for enabling digital signal processing (DSP) plug-ins (executable software applications) in audio appliances, such as digital effects processors for musical instruments, which may utilize software plug-in technology provided by a variety of programming sources in the audio market. This is enabled by the specifically claimed memory dock connected to the host computer for receiving a memory card, and memory slot in the electronic processing device for receiving said memory card, and by removing the memory card from the memory dock and inserting the card into the memory slot provided in the electronic processing device, the user may upload the audio-effects applications to be utilized by the processing device.

The memory card of applicant's invention and claims provides a simple interface to the audio path inside the audio appliance, as well as a simple interface to an endless resource of downloadable plug-in audio effects applications provided by Internet sources. The standardization of the memory slot coupled to the PC and that of the audio effects appliance, and the unique manner in which the executable audio-effects applications are provided to the portable audio

effects appliance from the Internet, via the PC and memory slot coupled to the PC, provides a clearly advantageous distinction over the invention taught by Janky, and applicant believes the distinctions deserve patentable weight by the Examiner.

Applicant believes that it has been clearly demonstrated that the reference of Janky fails as a primary reference because Janky provides no teaching or suggestion of a memory slot connected to the host computer, for receiving a memory card, such that the user docking the memory card into the memory dock may download audio-effects applications to the card, and by removing the memory card from the memory dock, and inserting the card into the memory slot provided in the electronic processing device, may upload the audio-effects applications to be utilized by the processing device. Applicant argues that the fact that Janky provides a means for transferring audio files downloaded to the PC, to an audio device which simply stores and provides playback function for the stored audio file, does not obviate the specific limitations of applicant's base claim 20, as argued above. Applicant's claim 20 is therefore patentable over the prior art presented by the Examiner.

The Examiner has rejected claims 29-31 as being unpatentable over Janky in view of Juszkievicz, stating that Janky discloses the limitations as applied to claim 20, but that Janky fails to disclose audio-effects applications as software plug-ins used on the electronic device, and maintaining that such software applications were well-known in the art. Applicant respectfully points out to the Examiner, however, that Janky not only fails to disclose that the applications are software plug-ins, Janky fails to disclose or suggest any audio-effects applications at all; rather, Janky simply discloses transferring audio files from the Internet to a PC, and then into a simple portable device for storing and playing back the audio file. Applicant therefore believes that all of depending claims 21-24 and 26-31 are

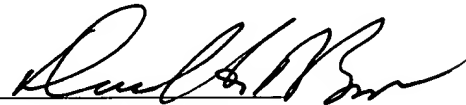
then patentable on their own merits, or at least as depended from a patentable claim.

Applicant's independent claim 32 recites the method for acquiring external audio-effects applications in accordance with the system of claim 20. Claim 32 recites many of the patentable limitations of claim 20, and is therefore also patentable over the prior art presented by the Examiner, as argued above by applicant on behalf of claim 20. Claims 33-36 and 39-40 are then patentable on their own merits, or at least as depended from a patentable claim.

Applicant therefore respectfully requests reconsideration, and that the case be passed quickly to issue. If any fees are due beyond the fees paid by check accompanying this response, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,

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